

Remarks

Amendment to Specification:

The application has been amended in the specification on page 5, paragraph 4 lines 22-23 and page 6, paragraph 3, lines 11-12. The support can be found, for example, in the step c) of the original Claim 8. No issue of new matter arises.

According to MPEP, 608.01(l) Original Claims:

“In establishing a disclosure, applicant may rely not only on the description and drawing as filed but also on the original claims if their content justifies it.

Where subject matter not shown in the drawing or described in the description is claimed in the application as filed, and such original claim itself constitutes a clear disclosure of this subject matter, then the claim should be treated on its merits, and requirement made to amend the drawing and description to show this subject matter. ”

Applicants respectfully request that this amendment is fully being considered.

Response to 35 U.S.C. § 112 requirement

Claims 1, 6-7, 9 and 15 are pending and under examination.

Claims 1, 6 -7, 9 and 15 were rejected under 35 U.S.C. § 112, *first paragraph*, as failing to comply with the written description requirement. The Examiner alleges being unable to find support for step (d) of claim 1 about measuring the phosphorylation activity of said Src protein. The phosphorylation activity of the Src protein has been discussed throughout the specification, for example, on page 4, lines 15-28, and on page 7, lines 19-26 . In original claim 8, step (c) clearly states “measuring the activity of said Src protein in response to said candidate compound”. Claim 8 was previously canceled during prosecution process, but it was a part of the original application. Applicants respectfully submit that this amendment to the specification is proper according to MPEP 608.01(l) “Original Claims” to incorporate claimed matter into the specification.

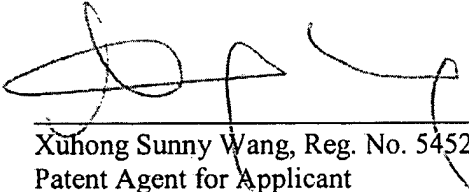
Since the phosphorylation activity of the Src protein is one of the activities of said Src protein, and “measuring the activity of said Src protein in response to said candidate compound” is in the original claim 8, therefore, Claim 1, step (d) doesn’t recite new matter. Claims 6-7, 9 and 15 are dependent from Claim 1. Therefore, there are no new matter issues remaining.

Further, on page 7, lines 19-20, Applicants clearly state that “In fact Src kinase is also responsible for App tyrosine phosphorylation”. The conclusion can be reached by artisan in the art as that “measuring the activity of said Src protein” is to measure “tyrosine phosphorylation of APP” by said Src.

Applicants respectfully submit that the amended specification obviates all rejections and request the Examiner reconsider the rejections.

The Applicants respectfully submit the amendment and remarks have placed the application in condition for allowance, and respectfully request early, favorable action on the application. Should the Examiner believe that an interview would advance the prosecution of this application, the Applicants invite him to contact the undersigned at 908.231.3648.

Respectfully submitted,



Xuhong Sunny Wang, Reg. No. 54524
Patent Agent for Applicant

Sanofi-Aventis US Inc.
Patent Department
Route #202-206 / P.O. Box 6800
Bridgewater, NJ 08807
Telephone (908) 231-3648
Telefax (908) 231-2626

Docket No. FRAV2002/0030 US NP